

REGULAR MEETING OF THE BOARD OF COMMISSIONERS
CITY OF FRANKFORT, KENTUCKY

July 25, 2005
5:30 P.M (EST)

PRESENT:	Commissioner Kathy Carter Commissioner Lynn Bowers Commissioner Andrew S. Layson Commissioner Rodney S. Williams Mayor William I. May, Jr.	(5)
ABSENT:	None	(0)

The Invocation was given by Reverend Jackson Brewer, First United Methodist Church.

The Pledge of Allegiance was recited.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to dispense with the reading of and approve as distributed minutes of the June 27, 2005 Regular Meeting, June 30, 2005 Special Meeting, July 7, 2005 Special Meeting, and July 11, 2005 Work Session. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Mayor’s Report

Mayor May commented he did not have the opportunity to prepare a report, but will have it available for the next meeting.

Ceremonial Items

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to take out of order Item 6.11, Personnel, and approve the listed promotion of Patrolman Robert Warfel to Sergeant. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson, Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted. Mayor May then recognized Sergeant Robert Warfel, his wife, daughter and parents. Sergeant Warfel has served as Frankfort’s K-9 Officer for nine years.

Mayor May recognized Frankfort Rotary Club members Bill Miller and Joe Johnson, President of the Sister Cities Program. Mr. Johnson presented Mayor May a membership certificate and scrapbook of program highlights. Frankfort’s Sister City is San Pedro de Macoris, Dominican Republic. The Rotary Club donated an old fire truck to the City. Mr. Miller relayed information about the history of Sister Cities program, including the fact that sixteen Kentucky communities participate in the program.

Mayor May recognized immediate past Chairman of the Frankfort/Franklin County Planning Commission Michael Davenport. Mr. Davenport reported on the selection process for members of the Comprehensive Update Committee. Mayor May thanked Mr. Davenport for his service to the Planning Commission.

“AN ORDINANCE CREATING NEW POSITIONS OF INFORMATION TECHNOLOGY MANAGER, GIS TECHNICIAN, CODE ENFORCEMENT INSPECTOR, STAFF ENGINEER, MAPPING SUPERVISOR/TELECOMMUNICATOR, AND SEWER LABORATORY ASSISTANT FOR FISCAL YEAR 2005-2006” was presented and read. This ordinance had its first reading on June 27, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the ordinance be put upon its final adoption. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 14, 2005 Series).

“AN ORDINANCE ESTABLISHING THE PAY PLAN FOR THE NEW POSITIONS OF INFORMATION TECHNOLOGY MANAGER, GIS TECHNICIAN, CODE ENFORCEMENT INSPECTOR, STAFF ENGINEER, MAPPING SUPERVISOR/TELECOMMUNICATOR, AND SEWER LABORATORY ASSISTANT” was presented and read. This ordinance had its first reading June 27, 2005. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the ordinance be put upon its final adoption. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson, and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 15, 2005 Series).

“AN ORDINANCE REZONING PROPERTY IDENTIFIED AS TRACT III LEONARDWOOD DRIVE BEING A 0.4803 ACRE TRACT OF THE CEDARS SUBDIVISION, PHASE II, LOCATED AT THE INTERSECTION OF LEONARDWOOD DRIVE AND KINGS DAUGHTERS DRIVE (MAP #050-00-00-067.04) FROM RH (HIGH-DENSITY MULTI-FAMILY RESIDENTIAL) TO CL (LIMITED COMMERCIAL)” was presented and read.

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES, ARTICLE 2, SECTION 2.115; ARTICLE 5 IN ITS ENTIRETY; AND ARTICLE 8, SECTIONS 8.40, 8.401, 8.402, 8.403, AND 8.404” was presented and read.

“AN ORDINANCE AMENDING ORDINANCE NO. 8, 1983 SERIES, ARTICLE 4, SECTION 4.01 – TABLE OF PERMITTED USES LAND USE CODES: 802, 803, 805, 809, 823, 824, 833, 841, 843, 844, 851, 853 & 873)” was presented and read.

“AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES CHAPTER 37, PERSONNEL CITY EMPLOYEES, SECTION 37.34, BIWEEKLY RATES, SECTION 37.35, POSITIONS FOR SEWER DEPARTMENT, AND SECTION 37.45, ENTRY LEVEL SALARIES AND SALARIES OF SPECIALLY QUALIFIED PUBLIC SAFETY PERSONNEL” was presented and read.

“AN ORDER AUTHORIZING A MANAGEMENT AGREEMENT FOR JUNIPER HILL GOLF COURSE” was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, to adopt the order as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Order No. 4, 2005 Series).

“KENTUCKY RETIREMENT SYSTEMS ORDER OF PARTICIPATION STANDARD UNUSED SICK LEAVE PROGRAM AS PROVIDED FOR BY CHAPTER 78.616 (1)(2)(3)(4)” was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, to adopt the order as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Order No. 5, 2005 Series).

“RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FRANKFORT AND FRANKLIN COUNTY FISCAL COURT TO ADMINISTER A 2005 BYRNE JUSTICE ASSISTANCE GRANT AND AUTHORIZE THE MAYOR TO SIGN ALL GRANT RELATED DOCUMENTS” was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, to adopt the resolution as presented. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 4, 2005 Series).

Consent Agenda

The following miscellaneous and personnel items were presented:

- 6.1 Authorization to suspend the promotional requirement for Battalion Chief of having to serve two years in the previous rank before being eligible for promotion; applicable only for the 2005 eligibility list for Battalion Chief; time-in-rank requirement to be one year (Fire Department).
- 6.2 Authorization for bid award to Jeff Jones Chevrolet for one ¾ ton 4-wheel drive truck for the Street Division; funds in the amount of \$25,264.00 budgeted in Street Division Equipment Account # 100.62.56550; purchase to be made through Kentucky State Price Master Contract # C-01012816 in the amount of \$25,264.00 (Public Works, Street Division).
- 6.3 Authorization for bid award to Hunt Tractor for one Case backhoe; purchase to be made through Kentucky State Price Master Contract # C-05074289 in the amount of \$63,180; funding available in the amount of \$63,180 in Street Division Equipment Account # 100.62.56550; will replace a 1993 John Deere backhoe, to be transferred to the City Golf Course (Public Works, Street Division).
- 6.4 Authorization to award a bid to Jeff Jones Chevrolet for one crew cab pickup truck; the 2 wheel drive pickup truck will be purchased through Kentucky State Price Master Contract # C-01012816; funds in the amount of \$22,438 are available in the Street Division's Equipment Account 100-62-56550 (Public Works, Street Division).
- 6.5 Authorization to award a bid to Jeff Jones Chevrolet for one dump truck with snowplow; to be purchased through Kentucky State Price Master Contract # M-04500521; funds budgeted in Street Division's Equipment account # 100.62.56550 in the amount of \$85,000.00.
- 6.6 Authorization to award a bid to Jeff Jones Chevrolet for one 2006 Chevrolet passenger van; van will be purchased through Kentucky State Price Master Contract # C-01012816 in the amount of \$19,390; funds available in Sanitation Division Equipment Account # 100.65.56550.
- 6.7 Authorization to approve a sewer extension contract for Wellington Place at Lot 3 Leonardwood Drive in Frankfort, Kentucky; property zoned residential with 44-unit Condominium Development; improvements include 2 new manholes and 491 feet of 8-inch SDR 35 pipe; final acceptance contingent upon completion of 30-day waiting period for testing after construction is completed
- 6.8 Authorization to submit a grant application for Area Development Funds (ADF) and authorize Mayor to execute all grant related documents; application to purchase 38 new ADA approved picnic tables for park pavilions; Total project cost \$19,000, with \$7,080 ADF matched with \$11,920 city cash; matching funds available in Parks & Recreation Account # 100.80.56550.
- 6.9 Authorization for the Mayor to execute a Lease Agreement between the City of Frankfort and the Commonwealth of Kentucky to allow the Commonwealth to utilize the vacant lot at 101 Watson Court; to be used for parking space for up to 15 vehicles; term of the lease will be 12 months with further 12-month extensions not to exceed 7 extensions, for \$1.00 per each year; Commonwealth responsible for all costs to develop and maintain parking area, and procure and maintain casualty and liability insurance for site.
- 6.10 Appointed Steven Gravitt as the Alcohol Beverage Administrator for the City of Frankfort.
- 6.11 Personnel
 - Appointment of Jennifer C. Markin to position of Telecommunicator, effective 7-26-05 (Communications);
 - Promotion of Robert Warfel from position of Patrol Officer III, to position of Sergeant, effective 8-1-05 (Police Department);
 - Resignation of Timothy N. Vandermark from Position of Patrol Officer Recruit, effective 7-5-05, authorize payment of accrued vacation and holiday pay as of 7-31-05 (Police Department);
 - Retirement of Danny R. Dean from position of Police Sergeant, effective 7-31-05, and authorize payment of all accrued vacation, holiday and compensatory time as of 7-31-05 (Police Department);
 - Retirement of Gregg Riggs, Battalion Chief, effective 7-31-05, and payment of all accrued vacation, holiday and compensatory time as of 7-31-05 (Fire Department);
 - Conditional offer of employment to Mark Allen Little for position of Patrol Officer, contingent upon successful completion of physical, psychological, polygraph and drug screen examinations (Police Department).

It was moved by Commissioner Bowers, seconded by Commissioner Williams, that all items on Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

Old Business

It was moved by Commissioner Williams, seconded by Commissioner Carter, to approve a permit agreement for the Holmes Street Drainage Project with CSX Transportation. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Commissioner Layson requested the Board schedule a special called meeting to discuss the proposed Public Safety building. The Board agreed to inform the City Clerk of their upcoming schedules so that a special meeting time could be determined.

Citizen Comments

Diane Gruen Kidd, representing the Cloverdale Neighborhood Association, asked how to request a public hearing for an upcoming issue coming to the Board from the Planning Commission. Mayor May stated she should speak to the Planning Director following the meeting. Due to the nature of the issue, any comments she would make are considered Ex Parte communications and cannot be heard until the issue in question comes to the Board for action. Commissioner Bowers asked the media to help advertise that the Board cannot take comments on the upcoming matter at this time. Commissioner Carter also commented that Commissioners cannot listen to public comments until the item is discussed at a Board meeting.

Ann Gibbs spoke regarding a State Journal editorial of February 22, 2005 concerning the future of the Paul Sawyer Library building and other empty buildings and pieces of property the city owns. She stated that citizens are due an explanation concerning the future use of these properties. Mayor May responded these issues will be part of the long-range planning process the City will soon begin. Commissioner Layson also referenced the long-range planning process, and stated the only decision made regarding the Paul Sawyer building was to purchase it. He stated it is not always possible to uphold the decisions of previous boards. Commissioner Carter stated it is commendable that this Board looks for outside assistance in facilitating strategic planning. Ms. Gibbs commented that leadership, not a facilitator, was needed.

Diana Looney passed out an article from *Readers Digest* regarding the cleanest and dirtiest U.S. cities. Regarding the ex parte planning commission issue, she stated Commissioners cannot isolate themselves from citizens and constituent groups, and finds the law on that matter confusing. She also commented about the issues and process concerning the Capital City Airport proposed expansion.

Commissioner Comments

Commissioner Carter shared information from the Parks and Recreation Department as to the number of visitors to the Capital City Museum and Fort Hill. She also recognized the Fire and Sewer Departments for their regular newsletters and recognizing their employees through their respective newsletters. She recognized retiring Finance Director James Rogers and applauded his 30+ years of service.

Commissioner Bowers seconded Commissioner Carter's comments regarding James Rogers, with thanks and well wishes. She announced their will be a meeting with officials of the Capital City Airport on August 8, from 7:00 pm – 9:30 pm, with the location to be announced. The meeting will be publicized when all the details are set.

Commissioner Layson stated that design standards be pulled from the agenda for further review and to try and avoid having big box stores and related development. He asked the attorney if this change had to go to the Planning Commission. The answer was that the City could have more stringent standards. Commissioner Layson recommended looking at standards of some other cities, and holding a public hearing prior to setting standards. Development will happen but it should be quality development.

Commissioner Williams commented the City can use a professional facilitator for long-range planning services. He stated these professionals from the Kentucky League of Cities have the tools to provide this service. The planning session will be rescheduled for sometime in September. He commented that state officials agreed to hold a public meeting concerning the proposed airport expansion, and this is a state, not a city, meeting. He stated the City has little legal authority to make something happen on State property. He thanked the Department of Military Affairs for agreeing to have the meeting.

Commissioner Carter announced she and Commissioner Bowers would be at Thorn Hill Learning center Monday, August 1, to meet with citizens on issues important to them.

Commissioner Bowers asked if the airport meeting would be an opportunity for the Commissioners to sit down with the State officials and discuss the project. Commissioner Layson stated the City was facilitating an exchange of information between citizens and the State. City Manager Tony Massey commented that the August 8th date was the only date in August General Storm was available to meet.

On a motion by Commissioner Layson, seconded by Commissioner Carter, the meeting adjourned at 7:17 p.m.

MAYOR

ATTEST:

CITY CLERK